

### **REMARKS**

The present communication responds to the Final Office Action dated September 11, 2007. In that Action, the Examiner rejected claims 1 and 25-30 under 35 U.S.C. § 102(b) and claims 2-9 under 35 U.S.C. § 103(a). In view of the following remarks, Applicants respectfully request reconsideration and allowance of the pending claims.

#### **Claim Rejections Under 35 U.S.C. § 102**

Claims 1 and 25-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 4,917,238 (“Schumacher”).

#### **Independent Claim 1 is Not Anticipated By Schumacher**

Claim 1, as amended, recites a miscarriage kit comprising, in part, “at least one under pad/bed liner, the under pad/bed liner having a bottom surface and a top surface, wherein the bottom surface is impermeable to bodily fluids, and wherein the top surface is designed to absorb bodily fluids.”

Schumacher, in whole, is directed towards cleaning up body waste such as vomit, blood, and feces. Schumacher has no obvious application towards collecting fetal remains. Broadly, it is unclear how the teachings of Schumacher could in any way be construed to cover a miscarriage kit such as claimed. More narrowly, Schumacher does not anticipate nor make obvious claim 1 at least because it does not disclose, teach, or suggest “at least one under pad/bed liner . . . wherein the bottom surface is impermeable to bodily fluids.”

Schumacher discloses a kit for cleaning up body waste such as vomit, blood, and feces. *Schumacher*, col. 2, ll. 6-7. The kit contents may include “three disposable towels 50, 51, 52 (preferably absorbent paper towels or the like).” *Schumacher*, col. 2, ll. 46-47. According to Schumacher, an operator of the kit is “to use disposable towels 50 through 52 to wipe up [a] diluted chlorine solution from [a] spill area.” *Schumacher*, col. 4, ll. 35-38. As an initial matter, Applicants assert that none of the disposable towels 50-52 of Schumacher comprise a bottom surface that is impermeable to bodily fluids. Additionally, Applicants assert that it would not be obvious to modify the disposable towels of Schumacher to include a bottom surface that is

impermeable to fluids. As discussed above, use of the disposable towels of Schumacher is explicitly limited to wiping up a disinfectant solution from a spill area. Absorbent paper towels, such as disclosed by Schumacher, are entirely adequate for this intended use. Thus, it would not be obvious to modify the disposable towels of Schumacher to include a bottom surface that is impermeable to fluids.

Accordingly, Schumacher does not anticipate nor make obvious claim 1 at least because it does not disclose, teach, or suggest “at least one under pad/bed liner . . . wherein the bottom surface is impermeable to bodily fluids,” as recited in claim 1. Reconsideration and allowance of claim 1 are thus respectfully requested.

*Claims Depending From Claim 1 are Patentable*

Claims 25-31 and 33 depend from claim 1 and incorporate all the limitations of claim 1. Accordingly, these claims are also patentable for at least for the reasons presented above. Reconsideration and allowance of claims 25-31 and 33 are thus respectfully requested..

*Claim Rejections Under 35 U.S.C. § 103*

Claims 2 through 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schumacher in view of U.S. Patent No. 6,434,762 (“Gordon”).

Claims 2 through 9 are canceled, thus obviating the rejections thereof.

*New Claim 35 is Not Obvious Over Schumacher in View of Gordon*

Claim 35 recites a miscarriage kit comprising, in part, “at least one container for holding fetal remains for legal disposition, wherein the container is opaque.”

Schumacher discloses a kit for cleaning up body waste such as vomit, blood, and feces. Gordon discloses a stool collecting apparatus. Neither Schumacher nor Gordon contemplate a miscarriage kit or collecting fetal remains. The Applicants further submit, as supported by the declaration of Dr. Dean, the past vice chair of the American College of Obstetrics and Gynecology Minnesota Section, the Junior Fellow Chair of ACOG District VI (IL, IA, MB, MN, NE, NE, SK, SD and WI), member of the board of directors for the Ramsey County Medical Society, member of the American Medical Association, member of the Minnesota Medical Association, in group practice at the Stillwater Medical Group, PA, in Stillwater, MN, received

bachelor's degree from the College of Saint Thomas in Saint Paul, MN, received medical degree from the Mayo Medical School in Rochester, MN, and completed residency at the University of Minnesota in Minneapolis, MN, neither of Schumacher nor Gordon make obvious the miscarriage kit as a whole or elements of the miscarriage kit as claimed. Specifically, neither Schumacher nor Gordon, alone or in combination make obvious the invention of claim 35 at least because none of the references disclose, teach, or suggest "at least one container for holding fetal remains for legal disposition, wherein the container is opaque."

As previously discussed, Schumacher discloses a kit for cleaning up body waste such as vomit, blood, and feces. *Schumacher*, col. 2, ll. 6-7. The kit contents may include a plastic bottle containing a pre-filled amount of chlorine solution and having a first fill line and a second fill line. *Schumacher*, col. 3, ll. 1-6. The fill lines guide a user of the kit in achieving a desired concentration of the chlorine solution. That is, a user of the kit fills the pre-filled bottle with water to the second fill line to achieve the desired concentration. *Schumacher*, col. 3, ll. 8-11. Thus, Schumacher requires a bottle which allows a user to visually monitor the volume of fluid therein. In other words, the invention of Schumacher requires a transparent bottle. Accordingly, Schumacher does not disclose, teach or suggest "at least one container for holding fetal remains for legal disposition, wherein the container is opaque."

Gordon discloses a stool collecting apparatus comprising a disposable strip formed of paper and a stool receptacle that is removably secured to the disposable strip. *Gordon*, col. 2, ll. 31-34. The receptacle is preferably a sealable bag such as a zip-lock bag. *Gordon*, col. 2, ll. 61-62. Gordon does not disclose, teach or suggest "at least one container for holding fetal remains for legal disposition, wherein the container is opaque."

Accordingly, neither Schumacher nor Gordon, alone or in combination disclose, teach, or suggest "at least one container for holding fetal remains for legal disposition, wherein the container is opaque," as recited in claim 35.

**CONCLUSION**

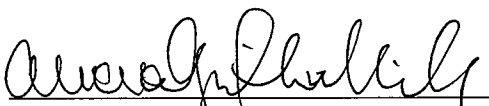
In light of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration of the present application and a favorable response are respectfully requested. If the Examiner feels an interview would facilitate prosecution of the present application, the Applicants' representative is available for such interview.

This response is being submitted on or before January 11, 2007, with the required fee of \$60.00 for a one-month extension of time, making this a timely response. It is believe that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

Respectfully submitted,

DORSEY & WHITNEY LLP  
**Customer Number 25763**

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By:   
Alicia Griffin Mills, Reg. No. 46,933  
Phone: (612) 492-6514